NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DANY ALBERTO ROJAS-VEGA, Petitioner, v. ALBERTO R. GONZALES, Attorney General, Respondent.	No. 04-73878 Agency No. A14-649-662 MEMORANDUM[*]

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 8, 2005[**]

Before: WALLACE, LEAVY, and BERZON, Circuit Judges.

Dany Alberto Rojas-Vega, a native and citizen of Costa Rica, petitions pro se for review of a Board of Immigration Appeals ("BIA") order dismissing his appeal from an Immigration Judge's removal order. We have jurisdiction pursuant to 8 U.S.C. § 1252, and deny the petition for review.

[*] This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

[**] The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Rojas-Vega contends that the BIA's reliance on his October 1995 conviction for violating California Health and Safety Code § 11364 was improper, on account of "substantive and procedural defects" regarding that conviction. We reject this contention, as we cannot collaterally revisit the circumstances of a conviction. *See Ortega de Robles v. INS*, 58 F.3d 1355, 1358 (9th Cir. 1995) ("Criminal convictions cannot be collaterally attacked in deportation proceedings.").

Rojas-Vega also contends that the agency should have given effect to his August 1995 § 212(c) waiver, invoking res judicata. As the waiver did not apply to Rojas-Vega's subsequent conviction in October 1995, we reject this contention. *See Molina-Amezcua v. INS*, 6 F.3d 646, 648 (9th Cir. 1993) (per curiam) ("When the alien suffers another conviction . . . the Attorney General must make a new decision whether to deport in light of the new information.").

In addition, Rojas-Vega relies on the expungement of his October 1995 conviction in 2002. We have held, however, that "[i]n view of the fact that California Penal Code section 1203.4(a) provides only a limited expungement even under state law, it is reasonable for the BIA to conclude that a conviction expunged under that provision remains a conviction for purposes of federal law." *Ramirez-Castro v. INS*, 287 F.3d 1172, 1175 (9th Cir. 2002).

We have considered Rojas-Vega's remaining contentions and conclude that they are unpersuasive.

All pending motions are denied.

PETITION FOR REVIEW DENIED.